**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,	)	Civil Action
	)	
Plaintiff,	)	No. 6:07-cv-00511
	)	
v.	)	Judge Leonard Davis
	)	
CDW CORPORATION, et al,	)	Electronically Filed
	)	
Defendants.	)	

**DEFENDANT NEWEGG INC.'S UNOPPOSED
MOTION FOR RELEASE OF *SUPERSEDEAS* BOND**

Defendant Newegg Inc. ("Newegg") respectfully requests that the Court discharge,

release, and exonerate the *supersedeas* bond Newegg posted in this matter and release the surety

of this bond from any liability in connection therewith. The bond was posted to stay execution

of this Court's Final Judgment awarding damages to Plaintiff Soverain Software LLC

("Soverain"). The findings of liability and damages set forth in the Final Judgment have since

been vacated by the Federal Circuit, and thus the need for a bond to secure the underlying award

no longer exists.

On August 11, 2010, this Court entered a Final Judgment (Dkt. 435) finding Newegg

liable to Soverain for infringement of U.S. Patent Nos. 5,715,314, 5,909,492, and 7,272,639.

Pursuant to FED. R. CIV. P. 62(d), Newegg posted a *supersedeas* bond in an amount of

$3,718,233.88, and filed a motion requesting that the Court approve this bond and stay any

proceedings to execute on the Final Judgment through appeal. (Dkt. 440). The Court granted

Newegg's motion on September 2, 2010. (Dkt. 441).

On September 10, 2010, Newegg appealed the Final Judgment to the United States Court

of Appeals for the Federal Circuit. (Dkt. 445). An Amended Notice of Appeal was filed on

No. 6:07-cv-00511

October 5, 2010. (Dkt. 449). The appeal was docketed as *Soverain Software LLC v. Newegg Inc.,* Case Number 2011-1009. (*See* Dkt. 451.)

On January 22, 2013, the Federal Circuit issued its decision in *Soverain Software LLC v. Newegg Inc.*, reversing the judgment of validity and vacating the judgments of infringement and damages. *Soverain Software LLC v. Newegg Inc.*, 705 F.3d 1333, 1348 (Fed. Cir. 2013). This decision was subsequently amended, *Soverain Software LLC v. Newegg Inc.,* 728 F.3d 1332 (Fed. Cir. 2013), and the mandate issued on September 11, 2013. (*See* Dkt. 462). Soverain has since filed a petition for *certiorari* with the Supreme Court, though no decision on whether the petition will be granted has been reached.

In light of the above, Newegg respectfully requests that the Court discharge, release, and exonerate the *supersedeas* bond posted by Newegg, and release the surety of this bond, as well as its parents, affiliates and subsidiaries, from any past, present, or future liability in connection with this bond. Plaintiff Soverain Software, LLC does not oppose this motion.

Dated: December 5, 2013   Respectfully submitted,

                                                            /s/ Kent E. Baldauf, Jr.
                                                            David C. Hanson
                                                            Kent E. Baldauf, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

/s/ Kent E. Baldauf, Jr.
Kent E. Baldauf, Jr.

CERTIFICATE OF CONFERENCE

I hereby certify that counsel have complied with the meet and confer requirement in Local Rule CV-7(h). Counsel for Newegg and counsel for Soverain have met and conferred on the substance of this motion and counsel for Soverain indicated that the motion is unopposed.

/s/ Kent E. Baldauf, Jr.
Kent E. Baldauf, Jr.